

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RUDERSDAL, EOOD, et al.)	Case No. 18-cv-11072 (GHW)-(RWL)
)	
Plaintiffs,)	[rel. 19-cv-01762]
)	
v.)	
)	
PHILIP ROBERT HARRIS, et al.)	
)	
Defendants.)	

**DECLARATION OF BOYKO YORDANOV ATANASSOV IN SUPPORT OF
PLAINTIFFS' CLAIMS**

I, Boyko Yordanov Atanassov, declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury under the laws of the United States of America that:

1. I am over twenty-one (21) years of age, of sound mind, and capable of making this Declaration. All of the facts and statements contained herein are within my personal knowledge and are true and correct to the best of my knowledge and belief.

2. In 2000 I earned my Master of Laws degree from the St. Neofit Rilski South-West University of Blagoevgrad.

3. I started my investigator's career in 1997 and have worked my way up, as follows: from 1997 till September, 1999 – Assistant Investigator at the Metropolitan Investigation Office, Sofia, Bulgaria; September 2000 till September 2001 – as a trainee-magistrate at the Sofia City Court; June 2002 till May 2009 – as Investigator at the Metropolitan Investigation Office, Sofia, Bulgaria; since May 2009 onwards – Investigator at the Investigation Department at the Sofia City Prosecutor's Office, Sofia, Bulgaria.

4. I have been developing my specialty in investigating economic crimes and corruption ever since.

5. I have been on the investigation teams working on a few signature investigation cases that have gained a wide publicity in Bulgaria over the years, such as: police operations code-named "The Untouchables 1"¹ and "The Untouchables 2"² –

investigating certain organized crime groups involved in economic and tax crimes; operations code-named „The Border 1“, „The Border 2“³, „The Border 3“ investigating corrupt practices by police offices and customs officers; operations code-named „The Batons 1“⁴- an organized crime group of police officers who were inclined to and solicited bribes in and around the town of Pazardzhik, the city of Plovdiv and all over the Sofia Province; „The Batons 2“ – investigating police officers soliciting bribes from individuals they stopped at checkpoints within the city of Sofia, and „The Batons 3“ investigating police officers soliciting bribes from individuals they stopped at checkpoints within the cities of Pleven, Russe and Varna. My flawless work on those cases was the only thing that I could rely on to get me unscathed through the attack the Deputy Prosecutor General Ivan Geshev launched against me in 2018. See **Exhibit [1]**, Opinion of the Professional Ethics Committee to the Sofia City Prosecutors' Office given on June 7, 2018 on Boyko Atanasov's professional performance.

6. Relying on my considerable experience and expertise in investigating economic crimes and corruption in Bulgaria, I hereby give my honest expert opinion that the claims lodged pursuant to the RICO Act (The RICO Claims) in Case No. 18-cv-11072 (GHW)-(RWL), [rel. 19-cv-01762], fall outside the jurisdiction and beyond the reach of the Bulgarian Courts. If the RICO Claims were to be heard in Bulgaria, the Plaintiffs would certainly not be given treatment on an equal footing with the Defendants, nor any fair trial, nor could they expect justice to be served or receive a fair and just adjudication against the Defendants.

Bulgaria is not an available forum for the RICO Claims.

7. Bulgaria is a signatory to the UN Convention against Corruption (The UNCAC) and a Member-State of the European Union, which is also a signatory to the UNCAC, but has failed to set forth or introduce in its national law those legal rules and remedies that would make it possible for victims of corruption and money laundering activities to effectively sue the perpetrators in court and claim relief, as provided in Article 34 and Article 35 of the UNCAC.

¹https://www.capital.bg/politika_i_ikonomika/bulgaria/2015/09/26/2616247_ot_nedosegaemi_po_nedosegaemi/

² <https://www.dunavmost.com/novini/nedosegaemite-nyama-da-lezhat-i-den-v-zatvora>

³ <https://offnews.bg/bulgaria/edna-smiana-mitnichari-pribira-15-bona-ot-rushveti-na-den-50154.html>

⁴ <https://offnews.bg/temida/osadiha-na-zatvor-katadzhii-vzimali-podkup-680653.html>

8. The Prosecutor's Office in Bulgaria is the one having exclusive powers to press charges against offenders in court of corruption and money laundering crimes. In Bulgaria corruption and money laundering are not considered a relevant factor in civil court proceedings that might give rise to a claim for relief filed by a victim in defence of their injured economic rights.

9. Bulgarian Prosecutor's Office operations have been often questioned in the light of its authority to launch investigations and press charges of money laundering and corruption at the nod of any Bulgarian oligarch who needs to either undermine their competitors or advance their economic and/or political interests, for the simple reason that it is them (the oligarchs) that have the final say in matters, such as who will be elected Prosecutor General and what matters the latter will handle, who will be appointed administrative director to any of Prosecutor's Offices or to any of the Courts, as well as who will climb up at the career ladder in the judiciary. One such influential oligarch is the Defendant Delyan Peevski ("Peevski"), another is the acting Prime Minister Boyko Borissov who has been prime minister in three cabinets: July 27, 2009 – March 13, 2013; November 7, 2014 – January 27, 2017 and since May 4, 2014 till present day.

10. Boyko Borissov and Peevski are the two most influential Bulgarian politicians each representing one of the most powerful political parties in Bulgaria. Boyko Borissov is the leader of the GERB political party, while Peevski is an MP from Movement for Rights and Freedoms political party (MRF or DPS, its Bulgarian acronym). Peevski is also a media mogul and a businessman. Peevski's main economic interests ever since 2006 have been linked to Bulgartabac Holding AD.

11. Peevski built and expanded his business-and-media empire using borrowed funds and relying on financial support from the majority owner and Chairman of the Supervisory Board of Corporate Commercial Bank, AD (Corpbank) Mr. Tzvetan Vassilev (Vassilev).

12. Peevski's and Vasilev's interests clashed at some time at the close of 2013 and they had a fall out, which escalated quickly in the first half of 2014. That was what fuelled the raid against Corpbank in June 2014 launched by Peevski's close 'associate' and Prosecutor General Mr. Sotir Tzatzarov, and further instigated by publications in Peevski's media outlets. As a result, Corpbank was eventually taken into conservatorship by the Bulgarian National Bank (BNB) on June 20, 2014.

13. The Prosecutor's Office has been traditionally serving the economic interests of Peevski and Boyko Borissov for a long time now.

14. The Prosecutor's Office raid on Corpbank and Vassilev's offices in June 2014 dubbed *The Corpbank Affair* was launched under the pretext of a purported attempt at "Peevski's murder" allegedly "ordered by Vassilev", while the real purpose was to divest Vasilev of his ownership interest in Corpbank and remove him from the management of that bank, as well as from all other businesses relying on funding from Corpbank. In charge of the investigation team assigned to the case was Investigating Magistrate Petyo Petrov who belongs to the circle of magistrates closely connected to Peevski and Boyko Borissov.

15. Assignment of court cases involving matters concerning economic and/or political interests of Peevski, MRF, GERB and of the oligarchs gravitating towards them is nefariously tackled with rather than done in observance of the principle of random assignment of cases to judges; moreover those certain cases are always assigned to judges covertly pre-selected on a case by case basis. Thus, the court actions related to those economic interests are kept under control and away from those few judges of integrity who, despite the pressure exerted on them, still remain committed and dedicated to the principles of independence, justice and the rule of law.

16. Prosecutor's Office raid was devised for the purpose of seizing certain documents that expose existing business and financial relationships between certain oligarchic circles and Corpbank. I have information that after being seized such documents were destroyed by the Metropolitan Investigation Office, Sofia, including documents exposing the connection between Peevski's economic interests and Corpbank, of which I reported to the Bulgarian television and other media outlets, as well as to the Bulgarian governmental institutions. However, regardless of the TV footages of the evidence, the case was covered up by the Prosecutor General and his deputies. It was not until the day following the day the footage was aired that the Prosecutor's Office did launch an investigation into whether or not any evidence was destroyed. No one from the Prosecutor's Office came to see for themselves what documents had been dumped in the trash, right there in the main street in front of the Sofia City Prosecutor's Office at 21 Montevideo St., Sofia; no one from the Prosecutor's Office cared to take a glimpse of the documents, which passers-by picked up from the dumpsters and carried away in plain sight of the journalists who were there. See **Exhibit**

[2] to this Declaration “Corpbank’s documents found in dumpsters are being destroyed”, an article published on February 22, 2016 on www.dnes.dir.bg.

17. Political and economic dependency of the judiciary on the political and economic interests of Boyko Borissov, Delyan Peevski and other politicians and oligarchs is what lead to the creation of a parallel state-within-the state. That shadow government is the one that orders retaliatory investigations into certain ‘trouble-making’ and ‘disobedient’ politicians, judges, magistrates, and businessmen to force them into obedience or remove them from their positions or business or otherwise, as the case may be. This is a centralized shadow apparatus that has gained control over key positions in the judiciary in charge of case assignment and case resolution. See **Exhibit [3]** Interview of Radina Abdulova, an investigator in the Metropolitan Investigation Office, Sofia, given to Bivol investigative journalists on July 7, 2019⁵.

18. Whenever a judge or a magistrate, or a politician, a NGO representative or a lawyer dares to even try to change the ‘status quo’ and their actions clash with the interests of that parallel state, then he or she will be hit hard with the full power of the parallel state that never shrinks away from using all instruments or tools of the state along with those employed by organized crime. At first, any such magistrate, politician, NGO representative or lawyer will be pressured into a ‘deal’. If they refuse to succumb to the pressure, various criminal, administrative or disciplinary proceedings of any kind are opened against the ‘disobedient’ individual, while placing him or her under surveillance by trailing, wire-tapping, blackmailing or overloading him or her with work, cases and etc., thus effectively preventing such individual from working against the interests of the parallel state. One example of this tactics is the systematic pressure being exerted on Judge Miroslava Todorova, a criminal judge at the Sofia City Court. See **Exhibit [4]** An article published by the Capital Newspaper on July 19, 2019 and entitled Targeted harassment campaign against Judge Miroslava Todorova foreshadowing a warning to all the others, which renders a true and accurate description of the *modus operandi* employed against judges who defend and stand up for the principle of independent judiciary.⁶ See **Exhibit [5]** An interview of Judge Miroslava Todorova on July 21, 2019, published by the Foundation Defacto.⁷

⁵ <https://bivol.bg/en/new-allegations-of-special-prosecutors-squad-emerge.html>

⁶ https://www.capital.bg/politika_i_ikonomika/bulgaria/2019/07/19/3940328_celenasochen_tormoz_sresh_t_u_sudiia_miroslava_todorova/

⁷ <https://defakto.bg/>

19. *Fabricating evidence and blackmailing by corrupt officers are common practices.* In Bulgaria justice itself is prosecuted and persecuted by the very judiciary itself controlled by the puppeteers Peevski and Boyko Borissov not without with the assistance of the Prosecutor General Sotir Tsatsarov and of the circle of oligarchs gravitating towards them.

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20. Pursuant to 28 U.S.C. § 1746(1), I declare under penalty of perjury and under the laws of the United States of America that the foregoing is true and correct.

July 23, 2019

Sofia, Bulgaria

Respectfully submitted,

By:

Boyko Hristov

A large, stylized handwritten signature in blue ink, likely belonging to Boyko Hristov, positioned to the right of the printed name.

LIST OF CITED DOCUMENTS
IN THE DECLARATION OF BOYKO ATANASSOV

EXHIBIT No.	DOCUMENT
Exhibit 1	CV Boyko Atanassov Performance Appraisal, May 2018
Exhibit 2	<i>Documents are Being Destroyed</i> , interview with Boyko Atanassov, February 22, 2016
Exhibit 3	New Allegations of “Special Prosecutors Assault Squad” Emerge
Exhibit 4	July 19, 2019, the Capital Media outlet: Harassment Campaign against Judge Miroslava Torodova
Exhibit 5	DeFakto, July 21. 2019, Judge Miroslava Torodova